

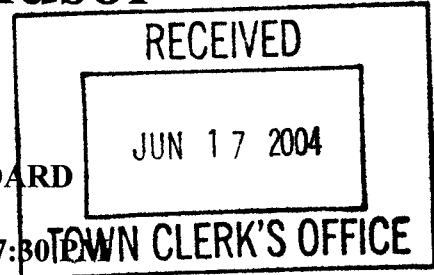


Town of New Windsor

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OFFICE OF THE PLANNING BOARD

APRIL 28, 2004 - WEDNESDAY — 7:30 PM
TENTATIVE AGENDA



CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: MARCH 10, 2004

PUBLIC HEARINGS:

1. **CENTRAL HUDSON GAS & ELECTRIC (03-12) UNION AVENUE (CHAZEN)**
Proposed expansion of existing sub-station.

REGULAR ITEMS:

2. **MARJORIE SAWYER SUBDIVISION (03-31) JACKSON AVENUE (SAWYER)**
Proposed 16-lot residential subdivision.
3. **WOODLAWN MANOR SITE PLAN (03-17) FOREST HILL ROAD (NEW HORIZON)** Proposed 115 condominium units.
4. **PLANNED PARENTHOOD (04-05) RT. 94 (CARR)** Proposed addition to building and modification to parking lot area.
5. **SANDCASTLE HOMES LOT LINE CHANGE (03-37) SUBURBAN COURT (OFF OF NYS RT. 94) (BRADY)** Proposed reconfiguration of an existing 10-lot approved subdivision into 8 lots for single family homes.
6. **MOSHHIL, INC. (04-09) RT. 94 (OSTRER)** Proposed replacement of existing retail with apartment.
7. **MT. AIRY ESTATES LOT LINE CHANGE (93-9) MT. AIRY ROAD** – Proposed reapproval of lot line change previously granted and not filed with County.

DISCUSSION

CORRESPONDENCE:

8. **VANTAGE CONSTRUCTION SUB. (01-55) REQUEST FOR REAPPROVAL**

ADJOURNMENT

(NEXT MEETING –MAY 12, 2004)

TOWN OF NEW WINDSOR

PLANNING BOARD

APRIL 28, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JERRY ARGENIO
NEIL SCHLESINGER
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ABSENT: JIM BRESNAN
RON LANDER
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call the April 28, 2004, meeting
of the Town of New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

APPROVAL OF MINUTES DATED MARCH 10, 2004

MR. PETRO: Has everyone had a chance to read the minutes dated March 10, 2004?

MR. ARGENIO: I'll make the motion we approve as written.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept those minutes as written. We're not going to have a quorum because we weren't there, Jerry and I recused ourselves from the March 10 meeting, even though we did read the minutes, I really couldn't accept them as written because I don't know that that's what took place. So we're going to table this.

MR. KRIEGER: Till the next meeting.

MR. PETRO: Because it's just going to be Mr. Mason.

MR. KRIEGER: That's the thing to do.

MR. PETRO: Take back the motion whoever made it and put that on the next agenda and we'll redo it. Okay?

MS. MASON: Yes.

PUBLIC HEARINGS:

CENTRAL HUDSON GAS & ELECTRIC (03-12)

MR. PETRO: Central Hudson Gas and Electric on Union Avenue, proposed expansion of the existing substation. What we do normally folks we're going to review it as a board and at some time during that presentation I will open it up to the public for comment, then go back to the board after comments are heard. Someone here to represent this?

Lois Phillips, Esq., Mr. Chris Lapine with Chazen Company and Mr. Huynh N. Nguyen appeared before the board for this proposal.

MR. PETRO: Okay, go ahead.

MR. LAPINE: I'd like to go over some of the minor changes that we have made on the plan, since our last meeting we were asked to, fielded the questions of the Orange County DPW and adjust some landscaping modifications. At the last meeting, we have, since the last meeting, we have extended the entrance as requested, we have also eliminated the curb, modified the pavement detail which is on the county detail sheet, they have asked us to add a note to a couple of plans indicating county approval is required prior to the issuance of building permit and on the existing conditions plan which was not shown here but was included in the set that went to the Town, we were asked to show the two different ways to the north and the approximate distance to the third driveway. Regarding the landscaping modifications, at the last meeting, the board asked if we can visually present the landscaping which will remain our proposed landscaping area to be top soiled and seeded. What we have brought with us tonight is kind of like the forest green area and also put in this wetlands, it's the area that we're going to, which will remain as a result of our

construction. The bright green which surrounds the site is topsoil and seeded is going to be and the board's concern with the neighbor to the north, you asked if we can provide a screen, we have recommended 23 verbiniums which are approximately 9 feet in height when they're planted, mature height will be 12 to 15 feet and their width will be about ten feet. So what we'll have here essentially is a hedge across the property line. We have also took the board's concern with regards to some additional landscaping here at the top left corner of the parcel, we have added some plum trees to kind of soften the view to the proposed facility.

MR. PETRO: The retaining wall to the west, is that where it would be, yeah, what was the height of that, did you ever--

MR. LAPINE: That would vary in some locations from 11 feet up to approximately 4 feet.

MR. PETRO: Now, you don't have a separate fence on the top of that, you have your property fence or is there a separate fence?

MR. LAPINE: We have a fence along the top for safety measures.

MR. ARGENIO: It appears the upper wall is a concrete retaining wall and appears as though the lower wall to the east I guess that would be is a gabion wall, that's the one with the large stones and the chicken wire.

MR. LAPINE: And the purpose of that is to allow draining of the gravel.

MR. ARGENIO: I'm not questioning the wisdom, I'm just pointing it out.

MR. PETRO: Drain right onto your other facility?

MR. LAPINE: Pretty much it's following the natural topography as well.

MR. PETRO: You talked about a little bit ago are they still requiring other papers from you?

MR. LAPINE: We have resubmitted a set of plans which addressed their last comment.

MR. PETRO: Fire approval on June 6 of 2003. Okay, no other outstanding comments at this time what I'm going to do is open it up to the public, you can turn that around a little bit if you want. Is there anyone here? On the 5th day of April, 2004, notice of public hearing was mailed out. Someone is here who'd like to speak for or against or make comment on the application, be recognized by the Chair, come forward, state your name and address and your concerns.

MR. GUESSVENTNER: My name is Leo Guessventner (phonetic), my property is directly adjacent to their buffer property or what's going to be the new substation, I apologize I didn't come to the last Town Board meeting, but initial indications said that they'd only be increasing it like 25 or 30 percent at the time I thought well, Town of New Windsor needs it. After the board meeting, I also read in the paper that it was going to be doubled in size and I believe you, yourself, expressed a concern about that. I had an opportunity to, very hectic, but I got an opportunity to get to the Town Board and take a look at the drawings and yes indeed it looks like it's increasing a hundred percent over the original size. One of the things that I did notice is they've got a 26 foot difference between where the retaining wall is and the property line, I talked with Bob Thomas at Central Hudson today briefly, he's been trying to get ahold of me but been leaving cards at the wrong door, it's a two-family house and he was leaving at the back, some

of the concerns that I had was one, of course the view. One of the things that Mr. Thomas said to me is that, you know, it's not going to be level with your property, however, even this evening before I came here I looked at the height of the substation that's there, the new substation is going to be raised up but not level with my property but still the height of that is going to be well exceeding, very high, the current substation where the insulators are reach the top of my roof. If they're going to be going up higher, I'm surprised Mr. Angelli (phonetic) is not here because he does cherish his view greatly. Another concern I had was they talked about the landscaping that's going around, one of the things that I have noticed is they show the before view and that's from Union Avenue, no dig on Central Hudson, but your electric and everything else but you guys aren't the greatest for maintaining the landscape once you put it around, not just here somewhere else. I don't know if they've gone through due diligence to look for another location, I'm sure this is the cheaper way to go, they already own the property. The other concern that I had was that just the value of my property is definitely going to decrease with this right there, 26 feet I still got the driveway and I looked across, I saw where the markers were, I walked where the embankment wall or whatever you're going to call it is and it's like right there, I know 26 feet sounds like a lot when you stand there and you can see it, it's not that far at all.

MR. PETRO: Let me interrupt you, do you have a landscaping plan, the sheet to show him what you're going to do there because what that was one of our concerns we brought up at a prior meeting was the screening between your property and the new facility so if you can go over that one more time maybe he didn't see that.

MR. LAPINE: What we're proposing along the property line is a planting of 23 verbiniums and their height

would be 9 feet when planted they grow to 12 or 15 feet and approximately ten foot in diameter so what you're going to have along your property line is a hedge that will be 12 to 15 feet high.

MR. GUESSVENTNER: I understood that from the drawing that I looked at, can I ask how tall you expect your substation to be with the towers and the antennas and everything else?

MR. HGUyen: The substation tower would be 40 feet high.

MR. GUESSVENTNER: That leaves a difference of?

MR. HGUyen: The difference between your driveway and the highest point of the structure will be 31 feet.

MR. GUESSVENTNER: So I'm still going to be seeing?

MR. HGUyen: With the new design of the structure you'll just see normal pole, not really you see the whole station like you see now.

MR. GUESSVENTNER: Well, my house is a two-family house, you've got the lower level which is level with the driveway, the main level, the upstairs is probably 10 to 12 feet high, so my floor looking at my window that's directly what I'm going to see, I mean, I know I'm probably the only one that matters for that because that's what I'm going to see right there.

MR. PETRO: Let me address that. It's hard to accommodate everybody in all matters and that was our concern from the start that this facility which really doesn't fit into our zoning is in the spot where it is residential so they were sent from here, they were denied here and sent to the New Windsor Zoning Board for a variance. They received that variance which basically says they felt it was okay to put this

facility in that area, as long as they met the requirements of the planning board which would then be setbacks and screening and drainage and everything else that we do. So I'm kind of like at a tough place here, I mean, we have one board saying that in best interest for everybody because Central Hudson does need the facility so we're trying to lay everything out. Did they look for other properties? I'm sure they have but this is probably the best deal and it's centrally located for them, not like we're taking it lightly, they have been here for about a year.

MR. GUESSVENTNER: I understand and I know you yourself have voiced great concerns.

MR. PETRO: I'm not a, don't know if proponent is the right word of the whole project, but I'm trying to be reasonable for all concerned. They have the variance, I think they've done a pretty good job at this landscaping plan, the curb cut's going to be issued by the county which we have no control over and we have to weigh it all in so it's hard to say well, you can't put it there because we don't want to look at rooftops, we look at rooftop units all the time.

MR. GUESSVENTNER: That would be my biggest concern is the depreciation of the value of the property.

MR. PETRO: That's a good point, I don't know exactly, you know, I can't give you a dollars or cents what I think is going to be the outcome of it. I mean, I don't know if I'd want to buy a house next to a substation, probably not, but that's my own opinion, somebody else may say I just don't care and it's a beautiful spot.

MR. GUESSVENTNER: That was one of the things which when I first bought the house because they had the buffer property between the substation and the house, you know, they've got the buffer property there. I'm

familiar with how a lot of large corporations work, they do buy the buffer property, usually they don't touch it, the corporation I worked for did the same thing just to keep the neighborhood happy, keep the residents a distance from whatever it was that we were doing.

MR. PETRO: And 30 percent thing that you brought up in enlargement some of that was my mistake, actually I think Central Hudson had never really said it was going to be larger by 30 percent, that was probably the law says you can enlarge a non-conforming use by 30 percent. I mentioned it a number of times and they went to zoning board, in my mind, for some reason I always had the 30 percent larger for some reason but the plan always did depict the two curb cuts and the size of the operation as it stands so it's not like they told us one thing and then did another. I stand corrected on that and that's the way it is.

MR. GUESSVENTNER: Well, as I said that's what prompted me to come.

MR. PETRO: The paper brought that out a little bit wrong on my part, I didn't want you to think they were being, they were being shady.

MR. GUESSVENTNER: This young lady told me today that she was under the same impression, that's what they originally proposed and that was just a mistake based on what I read the 30 percent.

MR. PETRO: I had the same feelings then later on said it's one heck of a spot to put it, if you weight it altogether for what's going on in the area, electric, if you listen to their stories and what's going to happen we're going to be running out in another six months and all kinds of things, we're just trying to do the right thing for everybody. I think you have another idea for landscaping along that side, I think

they've covered it pretty good, 12 foot height is pretty good, there's 23 of them along the property line, I just want to tell you though I think they've got it covered pretty good.

MR. GUESSVENTNER: Okay, like I said--

MR. PETRO: I'm sure they'll listen to any type of an idea even while you're building there, if you have another type of planting or something else but I think what you have is probably the best.

MR. LAPINE: If you take a look at the plan, you'll see an extreme difference between the type of construction now as opposed to the type of construction of the existing facility that was built in the '50s so your visual, it will be impacted to some extent, will not be impacted to the same extent as you see from the 1950 substation, this is a very streamlined monopole with insulator construction.

MR. GUESSVENTNER: I understand about the modern technology, Mr. Thomas, one of the other concerns I had was the fact that on quiet nights when there's no cars I can hear the hum of the substation where something that close and he assured me with the newer technology that that was not going to be the case. And I took him at his word for that and I understand the new technology does make it better, can do it smaller and the noise will be a lot less, well, I would just ask that if Mr. Thomas is the point of contact for Central Hudson that if there's an occasion that I can contact him, maybe any concerns that do crop up during the construction of it because I think Mr. Petro is, although not a big proponent, he understands that it is necessary and I do too, that's why I didn't come when I thought it was a smaller expansion, but if Mr. Thomas is a good point of contact at Central Hudson then maybe any other concerns or anything else I have I will direct towards Mr. Thomas. All right, thank you very

much, sir.

MR. PETRO: Someone else? Did I see another hand earlier? Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Central Hudson site plan on a Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: We'll open it up to the board, I think Jerry has one right off the bat.

MR. ARGENIO: Yes, I do, I would like to see the landscaping improvements not relegated solely to the new parcel or I shouldn't say the new parcel but to the now project, I think that along with this expansion I think you guys should be doing a little bit of cleanup along the corridor, when I say cleanup, I mean some type of foliage screening of some sort. That's my thought. I'm not the whole board but that's what I thought.

MR. PETRO: You need some landscaping along the front of the old one.

MR. LAPINE: You want to see it along the west?

MR. ARGENIO: To the east.

MR. PETRO: To me it would be on the south side.

MR. ARGENIO: I think you guys should think about that. I'm only one member.

MR. BABCOCK: You're talking from the road to the existing station?

MR. ARGENIO: Yeah, I think that corridor is very busy and the folks across the street just spent a lot of money improving that intersection, Mike, and clean that place up and we compelled them, the APR people to clean up the corner of 32 and Union Avenue, if you remember that was a suggestion that you had, I don't remember what the final disposition but, some brick pavers, a park a bench, whatever it was, and I think that's an important area in the Town, it's a busy place, I think it should look nice. This is an opportunity to achieve that.

MR. PETRO: I told him I didn't want a scalloped tire with a petunia in it.

MR. ARGENIO: For this project I feel the same way, no scalloped tires with petunias.

MR. PETRO: That was the exact wording, you know what I can do there, make this very easy, duplicate what you have on the new one in front of the old one as close as you can, I'm not talking about the around the whole site but the front which is, would be on the south side, the Union Avenue side between Union Avenue and the existing complex, do the same landscaping that you have in the front of this one, if it's doable or as close to it as possible.

MR. ARGENIO: Original foliage 40 foot trees, that kind of thing. I'm kidding.

MR. LAPINE: I understand. Do you have any recommendations on the type of trees you might want to see?

MR. PETRO: Something similar to what you have here.

MR. ARGENIO: Something nice, I don't think you need 30 foot high trees.

MR. PETRO: As far as SEQRA is concerned, it's already closed out?

MR. EDSALL: Yes, we discussed it last month, if the board concurs, you can classify this as a Type 2 Action, the references are item 7 and 11, if you concur and we did speak about that last month that would be the end of the SEQRA review, that would be my recommendation.

MR. PETRO: Okay, you have no other comments though about the site plan itself, correct?

MR. EDSALL: No, they have addressed my comments and the best I can tell they have provided additional information as you requested, just another side, not from the discussions, if landscaping maintenance is a concern, you can always request a maintenance bond for the landscaping for the first three years as the code provides.

MR. ARGENIO: That's just to ensure that they take, is that right?

MR. EDSALL: Correct and this is a provision.

MR. PETRO: I'm not staring at nothing, I'm thinking, I'm not a real advocate of that, you know, I built a building in the Town of Newburgh as you know and we spent a lot of money there, it's two years and you

can't use the money, you had to put it in place in case a bush dies they replace it and take it out of your bond.

MR. EDSALL: Normally the way Mike and I approach it I offer that because it's in the code. Normally, if we see that there's a problem with the landscaping that it didn't survive the first winter we contact the owner.

MR. PETRO: That's what I was just thinking, we don't normally do that.

MR. EDSALL: And I only mention it because it was brought up.

MR. PETRO: If you have a problem there and this whole side dies, I'm going to have Mr. Meyers get on the phone and call Steve Burger, say look, we went along with this, you did what we asked, we appreciate it but half the stuff died, we want it fixed and I think he's very--

MR. EDSALL: That's how we normally handle it.

MR. PETRO: I don't think we need the bond. Okay, the only outstanding item I believe is going to be the Orange County Department of Public Works for the curb cut, is that correct?

MR. EDSALL: Yes, that's the only issue. I will acknowledge that I saw the County's letter and it does look as if they're moving toward that final approval.

MR. PETRO: The applicant said that he's returned.

MR. EDSALL: Correct, so we can always have it subject to concurrence.

MR. BABCOCK: They'll need a work permit from them.

MR. PETRO: The only thing I can make that a subject to is the only other thing would be the landscaping. Do you want to come up with a sheet and show us what you're going to do on the other side or do you want to leave it just we can leave it as a part of your approval process?

MR. EDSALL: If they add a note to the plan indicating that the plan includes enhancements of landscaping to the east of this site in a similar fashion, Mike and I have spoke, we can check that in the field, if it's all right.

MR. ARGENIO: Yeah, I want to make sure similar fashion means a similar fashion, doesn't mean three scrub bushes.

MR. PETRO: No, he's got it right in front of you.

MR. EDSALL: As long as you put a note on it, we can use that as a guide, might be simpler than trying to add another sheet.

MR. PETRO: Motion for final approval? I'll do the subject-to's.

MR. SCHLESINGER: Make the motion.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Central Hudson site plan proposed second substation on Union Avenue subject to Orange County Department of Public Works signing off on the curb cut and giving their approval and also a note on the plan indicating that the landscaping plan which is on the new portion of the second substation will be mirrored for the first substation as good if not better and that will be monitored by the building department.

MR. BABCOCK: When you say landscaping is just along Union Avenue?

MR. PETRO: Correct.

MR. PETRO: When you ride up, make believe you're living where that gentleman lives and you go passed there, you want it to look nice, so but nothing less than this, has to be equal to this and they'll use their judgment. We all ride by there about 15 times a day, not like we don't see it. Any further comments from any of the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

REGULAR ITEMS:

MARJORIE SAWYER SUBDIVISION (03-31)

Mr. Chet Sawyer appeared before the board for this proposal.

MR. PETRO: I guess Mr. Sawyer you're going to represent yourself tonight, correct? I have a letter here that you have--

MR. SAWYER: Yes, in accordance with the information I gave you on the letter, my regular representatives, Tom McGrath is recuperating from a recent surgery but he will be back, he sends regards to you all and he appreciates the past reception that he's received. One of the things that I wanted to mention tonight was that we're looking to get a preliminary approval on this so we can move forward in our, get our storm water program in place and get everything ready for the public hearing that I'd like to have scheduled as soon as possible. Since we talked last, we have done some work on the road and on the northeast corner of the property as you can see we had the road coming down across the wetlands here and you can see the amount of wetlands that we really should have been exceeding. Right now, we have rerouted the road up to the north with the cul-de-sac up here and we disturb .08727 as it shows in the letter of wetlands which is within the allowable amount of wetland that you can disturb. All of the roads and the cul-de-sac frontages and all the other setbacks are in compliance with the Town of New Windsor bulk tables as you have them now with the exception of lot number 11. Lot number 11 seems to be sitting there now with not very much of a place to go with the exception of an access road in here. Now, one of the suggestions was to put a cul-de-sac in there immediately, of course I looked at that cul-de-sac and I said this kind of spoils the whole thing so I went to see the road superintendent, Henry Kroll, we sat down

and we talked and of course Henry would be the first one to disagree on putting the cul-de-sac anyplace, he really doesn't even want that one which I don't blame him for, if I had his job, I would feel the same way, so I left his office and we had agreed at that time that we would not pursue this cul-de-sac any further than we had.

MR. PETRO: On lot 11?

MR. SAWYER: It provides access to lot 11 and it borders on lot number 10 which is this one here so assume we just cut this right off for the consideration that we're making at the present time.

MR. PETRO: That would change the lot width, that would correct that problem also, right?

MR. EDSALL: What are you doing with lot 11, eliminating it?

MR. SAWYER: No, no, what we want to do is we want to leave lot number 11 as it is and as we're suggesting we propose that we get approval for this, let us go then to the Zoning Board of Appeals and let us go for a private road into this area here. I can show you what that private road would look like, this would be the private road access to it here, can you see this over there?

MR. BABCOCK: Yes.

MR. SAWYER: This would be the private road off the cul-de-sac would be 50 foot road, it would give more room to this lot, it would give more room to this lot, actually more to this because this would be dedicated to this particular piece of property.

MR. PETRO: How many lots would the private road service?

MR. SAWYER: Just one.

MR. PETRO: Never to be resubdivided either, just one lot?

MR. SAWYER: Just one lot.

MR. PETRO: Why not just make a driveway in there?

MR. EDSALL: Then he doesn't meet the lot width property frontage.

MR. SAWYER: The bulk table.

MR. PETRO: You're going to have a private road service one lot which allows you to get around the other headaches, what do you think about that, Mark?

MR. EDSALL: The other way is to take lot 16 and lot 10 I guess it is if I can read the numbers here and make those access off the private road so that you've got less curb cuts to the county road so you'd have three lots served by the private road.

MR. ARGENIO: Would you do that?

MR. EDSALL: Lot 16 is a driveway coming out, well, it's kind of a, it's a large radius so I don't think it's a real concern but we don't have the profiles so I don't know what the road vertical curve is in that area, it would just limit the number of curb cuts to the Town road, that's the only advantage, Jerry, you're having a private road, you might as well get the driveways off the Town road.

MR. PETRO: Why would he go to the zoning board?

MR. BABCOCK: He doesn't have to the way he's got it designed the private road is going to have to be

configured as the same size as the Town road, he shows it possibly a little smaller, I'm not sure he's showing the cul-de-sac which he'd have to have even on the private road.

MR. EDSALL: Or a T turnaround if the board accepts that.

MR. BABCOCK: If he's not complying with that then he may be needing Zoning Board which the ZBA has already made a determination, they will not vary that private road spec.

MR. ARGENIO: In what fashion, Mike?

MR. BABCOCK: They wouldn't eliminate the cul-de-sac and basically what the Town wants is the private road in case some day it needs to become a Town road it can be done.

MR. ARGENIO: Relatively easily improved.

MR. BABCOCK: At least the size.

MR. SAWYER: Would it have to meet the full standards of a Town road?

MR. EDSALL: Just in configuration as far as just the 50 foot and the ability to install a turnaround.

MR. SAWYER: Well, the other alternative is to cut this lot up, add a little bit to the lots surrounding it and just have a 15 lot subdivision.

MR. PETRO: That would make it better for us, make it worse for you but easier for you.

MR. SAWYER: Economics is why we're going for the 16 lots, that's simple to see.

MR. BABCOCK: If you talk to your people, your engineering group, the cost of what it's going to be to put in a private road or Town road for one lot you may find out that it's not going to be worth that.

MR. PETRO: And your time, Mr. Sawyer, your time especially if you go to the ZBA just for that one problem.

MR. BABCOCK: Well, right.

MR. PETRO: I think you're right. All right, let's set aside that problem just for a moment. What about the request from Orange County to make a cross street or cross connection to both roads, what happened with that?

MR. EDSALL: I'm not sure if Henry has responded relative to the safety issue of the access out to Bethlehem, I believe we have discussed it in the past that it's a very difficult location, I would think that if any of the board members are familiar with it, I'm not particularly familiar with that point of access.

MR. ARGENIO: Where would you pick up Bethlehem?

MR. SAWYER: I can describe what the problem is if we use this, here's the access up here, Bethlehem Road for all of you that know that road, Ostner's driveway is right across the street from me, the sight distance here is lacking really to have an access or egress for more than one or two families, in fact, I've gone out that road numerous times and if somebody's speeding on that road and they're coming from Stewart down towards 94, you have to really hustle to get out of their way, it's not conducive to being a major entrance and exit.

MR. PETRO: Maybe entrance only.

MR. SAWYER: Entrance it wouldn't do much harm, you

have to have it as an entrance but when you're coming out of there you also have a problem with grade.

MR. EDSALL: I don't think if it was a site plan for some type of project and you're looking for an emergency access it would be a different story, this was a recommendation from the County Planning because they're always recommending cross connections between roads that can't function as a full use Town road then I think the record now is clear that it's--

MR. PETRO: Fifteen or sixteen lots, I don't think you need to have it.

MR. EDSALL: Not necessarily for subdivision but again benefit of cross-sections, clearly in the discussion we've got it documented that that's not a place to have heavy traffic or volume of traffic.

MR. PETRO: Okay, so we've got that problem taken care of, back to this other 16th lot, I'm not sure that you're sure what you want to do there.

MR. SAWYER: The economics of it now that I find the cost of putting a private road in and evidently a cul-de-sac which you would need first off we're getting rid of a cul-de-sac to put the private road in.

MR. PETRO: You're going to add it back.

MR. SAWYER: Now we're right back where we started from, so I think that probably what I would say now in order to cut the losses this is really what it amounts to, let's go back to a 15 lot subdivision and take these lots that surround lot number 11 and parcel number 11 up and give each lot a piece of it.

MR. PETRO: Well, I always like that idea, the less lots for the way I look at it is the better, of course it's not my property, I'm not subdividing it, so I like

that idea but that doesn't mean that you don't have a right to put the 16th lot there if you can do it, now if you shorten up any of the other lots and do any other configurations you can't get your 16th lot.

MR. SAWYER: We've tried just about everything, in fact, we're real proud of ourselves that we were able to go up and around the corner of the wetland and stay under the .10 wetland disturbance that was a feat in itself. I don't think you could squeeze anymore out of the sponge, I think we've got everything out of it that we can.

MR. PETRO: It won't hurt to break one up and add a little bit around so if you're down to the 15 lots, what's next on the list, Mark?

MR. EDSALL: Well, the board previously authorized a public hearing subject to the preliminary plans being submitted. They decided to change the layout because of the wetlands so you have pretty much narrowed down on the layout, they still need to get a preliminary set of plans prepared, they need to have details of construction, road profile, everything else that goes with preliminary plans so your authorization is already in place for the public hearing, they just can't schedule it until they've got that set submitted.

MR. PETRO: There's a few technical things too Mr. Sawyer that needs to be fixed on the required bulk information, if you get a copy of Mark's comments under number 1 second paragraph maximum permitted height needs to be corrected and the net lot area needs to be added and lot number 10 has a lot width problem, is that going to be corrected now with taking this out?

MR. EDSALL: This is for the bulk table additions?

MR. PETRO: No, for lot number 10 which I believe has a lot width problem.

MR. EDSALL: That would just have to be adjusted, I'm sure they'll be moving lot lines around they'll have to fix that obviously with this cul-de-sac being out if they move that line over that may fix it.

MR. PETRO: I think you need to reconfigure your plan adjusting the areas from that lot, the 16th lot into your other lots, make these few corrections that Mark has on the sheet he just gave you, you can contact or who is going to to contact Orange County to let them know we don't think it's a good idea?

MR. EDSALL: I don't know that we have to respond back to them, it was just a recommendation from the review, it's on the record now.

MR. PETRO: So we don't have to do anything there. And the cul-de-sac is going to be eliminated so that's done, you can get back together with Mr. Kroll after you reconfigure those lots and it seems like you have an approval from him.

MR. SAWYER: Well, he's approved everything verbally, that's separate for this cul-de-sac.

MR. PETRO: That's what I mean, once that's out and reconfigures those lots, I think you'll be on good footing with him.

MR. EDSALL: Keep in mind that we need the profile, we need storm drainage, all those other things that Henry would look at as well that's not on this plan.

MR. PETRO: And fire department too, just says please provide three sets of sketch plans for the E-911, so they want to get their 911 numbering but he has that now.

MR. BABCOCK: Yes.

MR. SAWYER: I have already been there, I was there maybe a month ago but I couldn't give him anything because until we get things firmed up I can't tell him where the driveways are going to be until we know where the driveways are going to be, he can't assign 911 numbers.

MR. PETRO: What does he need to finish up the preliminary approval at the next meeting?

MR. EDSALL: He needs to--

MR. PETRO: New plan, fix the--

MR. EDSALL: All this plan shows is the 50 foot boundary of the right-of-way, it's got no road design, it's got no drainage, it's got no road details, no other construction information, it's not a preliminary set, it's a layout plan so he needs to get his engineer then to get the preliminary plan ready and then he can come in for the public hearing at the same time, once he shows the driveways now that he knows how many lots he has and how they're going to fit, he can go back to John McDonald so it's not a lot of work.

MR. PETRO: Do you have any other questions for him?

MR. SAWYER: No, I have no questions. I think it's quite clear what we need. My problem of course has been exceeding the .10 acre of wetlands. Now that we have that down now we know where we can go and this is one of the reasons why we wanted to discuss this and this entrance here to this lot but it's one of those things where now that everything is out and we have discussed it and we know the feelings and what is authorized and what's not we'll have to drop back to 15 lots and I think 15 lots you'll accept with what we have here, the wetland disturbance with everything that the engineer said we need and then the next time we

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come in, that's what we'll have.

MR. PETRO: I think that's as far as we can go.

WOODLAWN MANOR SITE PLAN (03-17)

Ms. Jane Samuelson appeared before the board for this proposal.

MR. PETRO: Project involves development of 71.8 acres into 115 unit complex. This application was previously reviewed at the 9 July, 2003, 22 October, 2003 and 14 January, 2004 planning board meetings. The submittal plans are now more complete, including drainage, utilities, off-site improvements and details, 115, I know that's down from the original, I think you had quite a few more than that. Non-age restricted so this is just a regular condo project?

MS. SAMUELSON: Correct.

MR. PETRO: Just to update the plans, request public hearing be authorized, we were talking a lot about the road I remember the last time coming in and out, want to go over that, the boulevard you turned it into, correct?

MS. SAMUELSON: Sure, that's right. What we have done is we showed the boulevard entrance and we're going to be disturbing a small corner of the DEC wetlands so we're going to have to go to the DEC. We have an area here that we can use to mitigate with respect to that. So we had a traffic study completed that I provided Mark with a copy of that. They did several intersections along 94. Basically, they found there was no impact. Their only recommendation was that we widen Forest Hill Road at the intersection of 94 slightly so that we could have two out lanes so one would be dedicated left turn lane, one would be dedicated right turn lane so you just have to widen along the northern edge.

MR. PETRO: Who gave you that, Creighton Manning?

MS. SAMUELSON: Yes, in their traffic study.

MR. PETRO: That has to go to the DOT?

MS. SAMUELSON: Yes.

MR. PETRO: Then from there you have the boulevard affect gong in.

MS. SAMUELSON: Yup, at that point, we have a loop road coming around, small cul-de-sac at the end, that's on the last plan, we have a gated emergency access road.

MR. PETRO: Down to Cherry?

MS. SAMUELSON: Right out to Cherry.

MR. PETRO: We requested that, that's off the cul-de-sac.

MS. SAMUELSON: Yes and off our cul-de-sac and off the Cherry Lane cul-de-sac and we have a small through road to provide ease of circulation.

MR. PETRO: Okay, nothing out on the Hudson as one time was proposed?

MS. SAMUELSON: No, nothing coming out Hudson or Erie.

MR. PETRO: What's the permitted condo count on the entire parcel?

MS. SAMUELSON: I believe it's 136 permitted units. We're at 115.

MR. PETRO: You know I looked at this, I think it's ready for a public hearing, do you have any questions?

MR. EDSALL: We're just talking traffic.

MR. PETRO: I think this plan is ready for a public hearing.

MR. EDSALL: I think so. There were a couple of items, additional information they're going to be adding to the plans in any case all Henry's requests have been added to the plan, I think it's in good shape to proceed.

MR. PETRO: Again, I tell you every time you understand there's a water moratorium in the Town of New Windsor, we're moving forward with this, we have no control, it's the Town Board and we're going to act like it's not there, obviously, we can't get a building permit.

MS. SAMUELSON: We understand.

MR. PETRO: Motion for a public hearing for the Woodlaws Manor Site Plan.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motions has been made and seconded that the New Windsor Planning Board have a public hearing, authorize a public hearing for the Woodlawn Manor project. Any further comments? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: I would suggest maybe for a public hearing though you have a little bit of a blowup of that area because that's going to be a real focal point there.

PLANNED PARENTHOOD (04-05)

Mr. Chris DeHaan and Ms. Kira Carr appeared before the board for this proposal.

MR. PETRO: Propose addition to building and modification of the parking area. Is this down by Dan Bloom's office?

MR. DEHAAN: Yes, right next door to it.

MR. PETRO: I've been here before. Let me get your sheet out, hold on. Application proposes a minor addition to the existing building plans, also provides for a reconfiguration and improvement to the existing parking lot, plans previously reviewed at the 25 February, 2004 planning board meeting. Additions are minor, do not cause any zoning compliance issues other than lot coverage. So, well, lot cover, the development coverage exceeds permitted values, this is an existing, non-conforming that's been increased, it should be noted that there are pending plans by the Town to update the PO regulations to permit a more realistic coverage value. The building inspector may be able to verify the status of this code change. Mike?

MR. BABCOCK: Well, it hasn't happened yet and I wasn't able to verify with the supervisor today where exactly it is.

MR. PETRO: Tell you what we're going to do, we're going to proceed as if the code change is going to take affect, by the time they're ready to be stamped if it's not and they want to get it stamped, they're going to have to go for a variance, so you can proceed at your risk, if you don't want to do that then I will just send up to the zoning board so you're kind of better off doing it, you know, something could happen, a miracle.

MR. BABCOCK: Mr. Chairman, I did talk to the Town attorney and he told me that they're going to try to only do zone changes once a year, so if that's the case, this could take until January to get changed.

MR. PETRO: What size addition, what are we doing first? Let's back up, just minor, let's find out what we're doing here, it's one of the old houses that are there, right?

MR. DEHAAN: That's correct.

MR. PETRO: You want to take and you're going the add what, just these darkened areas?

MR. DEHAAN: That's correct and we're not increasing any exam rooms in the office. It's mostly for waiting room and front office and just general improvements to the building.

MR. PETRO: Only thing would be coverage. But you're going to increase the parking and fix it because I know it's pretty rough right now, I'm trying to think if what's the little addition in the back, just squaring off the house?

MR. DEHAAN: Yeah, that's correct. Matter of fact, that portion of the house is an old garage and we're extending the upper floor over that area and so that's just the cantilever on the back of the house so it's a two--

MR. PETRO: The front also?

MR. DEHAAN: That's correct.

MR. DEHAAN: So the footprint on the ground we're not increasing the size of the foundation under the structure.

MR. PETRO: How about the one on the north side?

MR. DEHAAN: It's elevated for file storage.

MR. PETRO: It's up above the ground on the second floor you mean?

MR. DEHAAN: Yes, so you're looking at the floor level about 4 feet off grade.

MR. PETRO: Well, that's interesting, all right, we'll just proceed then, we'll get back to the zoning problem. Parking lot reconfiguration is a significant improvement over the existing condition, it's been reconfigured to be consistent in working in conjunction with Mr. Bloom's site plan which was recently approved by the board, you've made arrangements between the two property owners. Everything is going to be improved, improved, improved, improved. New York State DOT I received communication from Art Burns that it's conceptually approved, noting that a permit would be required for the work. We have fire approval on 2/18/2004, we took lead agency. We did not?

MR. EDSALL: You took it on February 25th and waived the public hearing on the same date.

MR. PETRO: Motion for negative dec.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Planned Parenthood site plan on Route 94. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO AYE
MR. MASON AYE
MR. SCHLESINGER AYE
MR. PETRO AYE

MR. PETRO: Handicapped parking detail has to be revised, you can do that with Mark.

MR. DEHAAN: We already added that to the drawings.

MR. PETRO: That's done, Mark? Also one change we want to go over with you.

MR. EDSALL: Mike and I have been, it's kind of an enhancement to the minute detail at the transition between a standard space and handicapped space, we asked for both the blue line and the white line, it tends to make it clear to everyone the transition breakoff between handicapped and standard, it's a minor detail but we found it successful.

MR. ARGENIO: On the outer edge of the handicapped on both sides?

MR. DEHAAN: Doing a white and a blue.

MR. EDSALL: Just works better.

MR. DEHAAN: So two lines.

MR. PETRO: Andy, let's put your thinking cap on for a minute, direct a question to you. Picture the house being cantilevered on the second floor, you're just adding a couple extra feet on the cantilever, you're not on the property actually then you have some cabinets being cantilevered out of the house so your footprint has not changed as far as being in the ground, is there any way we can live with that? It's

very small in nature. You have the plan in front of you?

MR. KRIEGER: Yes.

MR. PETRO: Look at the darkened in areas.

MR. BABCOCK: This has no footing.

MR. PETRO: It's cantilevered way up on top.

MR. BABCOCK: Then there's no developmental coverage problem, you're saying this has no footing, the section?

MR. DEHAAN: Right.

MR. BABCOCK: Cantilevered out then there's no developmental coverage problem.

MR. PETRO: Thank you for your answer and it's what he said, is that correct? Need a motion for final approval and I will read in the subject-to's.

MR. ARGENIO: I'll make the motion for final approval.

MR. PETRO: Before you get that, that's a good motion, anybody have any other comment?

MR. MASON: I have one question going by memory now which is not too good but you guys originally came in I was under the assumption that Dr. Kappa's office was going to be part of this?

MR. DEHAAN: Not yet, see there, he does not want to do anything on his property until he knows what's happening with the sewer behind and he won't even consider it until he knows where he stands with his property relative to that.

MR. MASON: Because that was the last property on the strip, right?

MS. CARR: There's a proposal for it.

MR. DEHAAN: He did that small drawing on the bottom there that you see showing all three lots, if all three parties were to be on the same page right now we've got two Planned Parenthood and Bloom & Bloom who would like to be on the same page but--

MR. PETRO: Anything else?

MR. MASON: That was it, thank you.

MR. SCHLESINGER: Handicapped ramp, doesn't that need another stop?

MR. BABCOCK: We'll deal with that during the building plan.

MR. PETRO: Part of my subject-to anyway, Neil, because they have to straighten out the handicapped design. Motion has been made for final approval for Planned Parenthood site plan on Blooming Grove Turnpike.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Planned Parenthood site plan on Blooming Grove Turnpike subject to referral to the New York State DOT, you're going to need to get the, I know we have communication with him but it needs to be finalized through the proper channels, you'll need a work permit but I need to have the approval here so you've got to get the papers.

MR. EDSALL: I'll forward a copy.

MR. PETRO: Secondly handicapped parking space detail and if any other spaces are required you'll have to work that out with Mark. Those two items need to be done.

MR. EDSALL: Could we also eliminate note 7 now that this has been clarified on the final plan? We don't want to add to the confusion.

MR. DEHAAN: Absolutely.

MR. PETRO: Planning board should require that a bond estimate be submitted in accordance with Chapter 19 of the Town Code, you heard number 3 I read, you know what confused it, he said 7 on the plan, I'm reading number 7 on Chapter 19 of the Town Code. You understand that the bond estimate needs to be submitted? Okay?

MR. DEHAAN: Yes, which I didn't receive a copy of these yet so this is the first time I'm seeing it.

MR. PETRO: Just standard procedure, I'm just reading it into the minutes so you can understand it. Are there any further comments from any of the members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

SANDCASTLE HOMES LOT LINE CHANGE (03-37)

Mr. Andrew Atzo appeared before the board for this proposal.

MR. PETRO: Proposed reconfiguration of an existing 10 lot approved subdivision in 8 lots for single family homes, this is right behind Dan Bloom's. Just give me a minute. This application proposes lot line revision between lots of the previously approved Suburban Builders major subdivision, we're reducing the lots from 10 to 8 with each lot being slightly increased in area. The applicant has also agreed to upgrade public improvements, road, sewer, water, storm water to meet current standards. Major outstanding issue is the development of storm water improvements within the grade constraints of the existing state layout acceptable to this engineer and the highway superintendent is now included on the plans. What do we have here for highway, highway is approved on 4/27/2004. Where is fire? We have fire disapproved because it needs three sets of plans for the 911 information. The 911 numbering of the lots, how about a name for the road, proposed road name to be submitted for approval and you included on the plan so he needs a name for the road and you have to number the lots according to 911 to get it to the fire department so he can give you his approval.

MR. BABCOCK: I have a copy for the applicant from the fire inspector's office.

MR. PETRO: Any conditional approval should be subject to depict sidewalk on east side of the road. Where is the sidewalk now?

MR. EDSALL: It's not on there, he included it on the detail but forgot to add it on to the plan.

MR. ATZO: There's a detail for the sidewalk, however,

it's not shown on the plan, it's my understanding the sidewalk is going to be along this side.

MR. EDSALL: We originally wanted it on the west side but because of the potential of a curb cut on the other side, highway superintendent thought the east side might be better but we'll finalize that.

MR. PETRO: Next is submit final offers of dedication easements to the Town attorney for review, approval of the public improvement bond estimate by the Town Board, payment of all fees and submit bonds.

MR. EDSALL: Could add the fire department on there, fire department approval.

MR. ARGENIO: When is the original approval, Mark?

MR. EDSALL: This has been around for quite a while, goes back to the '70s, it would have been probably approved months ago except for the fact that the approved project has virtually no slope across the site so we had to create road grade so that we could drain it.

MR. ARGENIO: Water flowed a little different back in the '70s, I guess.

MR. EDSALL: Totally different situation back then.

MR. BABCOCK: There was less of it.

MR. EDSALL: If it didn't drain, you eliminated the catch basins.

MR. PETRO: Well, I think, I don't think there's any reason to hold this up, I mean, he has what he has to do, if he does meet those five conditions, we can just send him on his way. We have seen this before a number of times, he's taken the lots from 10 to 8, there's

already an approval so I for one not to hold it up. Any of the members have any problems or anything else they want to discuss? Mr. Mason?

MR. MASON: No.

MR. PETRO: Neil?

MR. SCHLESINGER: No.

MR. MASON: No problems.

MR. PETRO: It's been approved already.

MR. ATZO: If I can mention one thing, your application just before was asking about sewage along there that's Planned Parenthood which is I believe it's this lot right here, we have a sewer easement with the studs running out approximately this area which they would be able to tie into.

MR. EDSALL: What I convinced them to do is rather than run the last branch of the sewer line up toward Route 94 where it's not needed, they're turning the line and running it behind the Bloom site and they're now discussing with the other two property owners, an agreement to extend it and connect them in but they've created the easement so now it's purely a matter of who is going to pay for two more runs of sewer but nonetheless--

MR. PETRO: Let me tell you this, the planning board is not getting involved. Anything else?

MR. ARGENIO: I agree with you.

MR. PETRO: You have the five subject-to's, sidewalk on the east side of the road on the subdivision plan, submit final offers, as I said, approval of public improvement bond estimated by the Town Board, payment

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of all fees, submit bonds, fire department approval, you have to have that so you're going to have to work that out with him. Is there a motion to have a final approval?

MR. ARGENIO: I'll make a motion for final approval for Sandcastle Homes.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Sandcastle Homes lot line change on Suburban Court off Route 94 with the five subject-to's that I read in twice. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MOSHIL, INC. (04-09)

Mr. Moshil appeared before the board for this proposal.

MR. PETRO: The application proposes change in use for the site for development of retail and/or office on the first floor, single caretaker apartment on the second floor, plans reviewed on a concept basis. The site is located in the NC zoning district. How many acres do you need to have a caretaker apartment? I thought you had to have five acres? Want to look that up while we continue?

MR. BABCOCK: Sure.

MR. PETRO: Variances have been obtained relative to the site. Where is this? I want to know where it is to start with.

MR. BABCOCK: This is on 94 where M & F Plumbing and the little mall with New York-New York, right passed New York-New York, you've got a couple single-family houses and then a vacant lot, there's a vacant lot there, used to be an older house, the house was actually torn down.

MR. PETRO: But is this in Fred's building?

MR. BABCOCK: No, no, across the street and up the street, New York-New York, keep going towards Washingtonville, there's two houses and then this vacant lot where the old, where the track used to cross.

MR. PETRO: It's vacant, he wants to build it with a caretaker's apartment?

MR. BABCOCK: Yeah, there's a little history behind this. This building was there, I guess this gentleman bought it, the Town instructed him to do something with

the building and the Town didn't feel he acted in time so the Town had a contractor went in and tore the building down and we went to court and what I understand is that we didn't give him proper notice, wasn't filed properly so there was a court stipulation that the Town, he come back to the Town and build back the same footprint of the building, Andy probably knows a little bit more about this. He's been to the zoning board, the judge's ruling was he goes to the zoning board first, I suggested he came here first but they wanted to go there so he's been to the zoning board and he's got his approvals from the zoning board.

MR. PETRO: To do what?

MR. BABCOCK: To build this building.

MR. PETRO: He already had an approval to put back the building that was gone?

MR. BABCOCK: Only by the judge.

MR. PETRO: Zoning board agreed he can put the building back that was there?

MR. BABCOCK: There was a three-family house there which we believe was illegal, all right, so the uses are retail store or office on the first floor with a caretaker's apartment on the second floor.

MR. EDSALL: As was explained to me by this gentleman's attorney what they've done is they've put the building back with the same footprint but then they're putting uses in that are in conformance with the zoning, since the zoning does permit office or retail and then it also permits single living quarters on the, within the building.

MR. PETRO: In the NC zone and I'm off the, on the acreage.

MR. EDSALL: No, it's the same, 10,000 as the basic site.

MR. KRIEGER: I should say all that is correct with respect to the footprint, actually, the footprint that they have is slightly reduced because the zoning board asked them to eliminate a small portion to aid the view of motorists on 94 which they agreed to do.

MR. PETRO: So basically you can put the building back and you're going to conform with the laws as it is today anyway, so it's really not a problem.

MR. BABCOCK: As far as uses.

MR. EDSALL: They've been to the workshop a couple times, they had some other ideas, they wanted to pursue those alternates, didn't conform to the zoning so they've changed it back now to what we suggested at the workshop and they've made some other corrections so--

MR. BABCOCK: Mr. Chairman, I'm sure this gentleman's attorney was supposed to be here, he was looking around for him, he would have been able to explain that a little bit better than maybe we have.

MR. PETRO: No, you did a good job.

MR. KRIEGER: It was clear enough, the court he's referring to is the Court of Claims, by the way.

MR. PETRO: Now, the parking requirements they're going to be, everything is going to match, everything is in compliance?

MR. BABCOCK: They got a variance, I asked them to get a variance for that which they did.

MR. PETRO: Is it on the plan?

MR. BABCOCK: Yes, it is. They got a variance for four spaces, Mr. Chairman.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Moshil, Inc. site plan on Route 94. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: Motion to schedule a public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing which is mandatory by law because of the special use permit probably for the caretaker's apartment, schedule a public hearing for the Moshil, Inc. site plan. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE

MR. PETRO

AYE

MR. PETRO: Submittal of this application to New York State DOT will be required for the reconstruction of the curb cut and drainage work. You're going to have to get a work permit to get out in that road, that's for sure, per new requirements, signs required in the front of the crosshatched access lane for the handicapped parking spaces.

MR. EDSALL: That I have just been provided with a copy that now is corrected.

MR. PETRO: But the information on the plan is correct, you can get together with Myra, set up a public hearing. Thank you.

MT. AIRY ESTATES LOT LINE CHANGE (93-9)

MR. PETRO: Proposed reapproval of the lot line change previously granted and not filed with the county.

MR. EDSALL: The applicant's representative, in the interest of saving a lot of gas, I told him it wasn't worth driving up here from New Jersey for this. In all honesty, this is something that's made sense back in 1993 and it still makes sense now. They're taking one large lot, eliminating it and then splitting that area among all the adjoining lots so the net result is we're making, losing one lot and increasing the size of all the lots around it.

MR. ARGENIO: This is not done?

MR. EDSALL: It was approved back on March 24, 1993 and somebody messed up, they didn't file the plan so with my recommendation that you approve it again tonight, charge the reapproval fee and do what should have been done back in '93 which it was their mistake, not ours.

MR. PETRO: Motion for lead agency.

MR. SCHLESINGER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Mt. Airy Estates lot line change on Mt. Airy Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE

MR. PETRO AYE

MR. PETRO: Planning board should determine if a public hearing will be necessary. We can waive it. I'll entertain that motion.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Mt. Airy Estates lot line change. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. PETRO: Based on the above, I recommend the plan to be re-approved subject to the payment of applicable fees. Motion for final approval.

MR. ARGENIO: So moved.

MR. KRIEGER: Negative dec.

MR. ARGENIO: Motion for negative dec on Mt. Airy Estates.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec on the Mt. Airy Estates lot line change off Mt. Airy Road. Any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

MR. ARGENIO: I'll make that motion for final approval for the lot line change for Mt. Airy Estates.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mt. Airy Estates lot line change off Mt. Airy Road. Any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

CORRESPONDENCE

VANTAGE CONSTRUCTION

MR. PETRO: We have under correspondence tonight Vantage Construction. "As you may recall, the above-referenced subdivision was approved by the Town of New Windsor on September 10, 2003. Since that date, the applicant has been diligently pursuing completion of all open items, including road dedication and formation of a drainage district. All necessary documentation from the latter is currently in the hands of the Town attorney. The road in question is approximately 90 percent completed and has to my knowledge been constructed thus far to the satisfaction of the Town engineers and departments. In order to facilitate the completion of the open items, my client respectfully asks the board to reapprove the subdivision plan at the April 28, 2004 meeting. Thank you for your courtesies extending this matter. Todd A. Kelson." This for another 180 days. What are we doing here?

MR. EDSALL: That would be 180 and they have the opportunity to get two 90 day extensions if they ask.

MR. PETRO: This is for 180?

MR. ARGENIO: Seems to me he should finish within the 180.

MR. EDSALL: Hope so.

MR. ARGENIO: Somebody's got a problem if they don't.

MR. EDSALL: He always has the option if he gets, he can bond the--

MR. PETRO: Motion for 180 day.

MR. ARGENIO: I'll make the motion for extension of Vantage Construction--

MR. EDSALL: Re-approval.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board do a pre-approval for the Vantage Construction subdivision off Riley Road for 180 days. Any further discussion from the board members? If not, roll roll.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

DISCUSSION

WOODLAWN MANOR SITE PLAN

MR. BABCOCK: I have a young lady here that's asking me a few questions and I guess the question is really to the board she'd like to speak to the board in reference to the Woodlawn Manor site plan that's coming out on Forest Hill Road. She's a resident of the Forest Hill Road area and I told her I didn't know whether the board would allow her to talk tonight.

MR. PETRO: What do you want to say in like three minutes?

MS. GROVE: My name is Robin Grove, I live on Forest Hill Road, 78 Forest Hill Road.

MR. PETRO: Keep in mind that we're going to have a public hearing.

MS. GROVE: I understand that. I have been following the development of that parcel since 1988 when Foxwood tried to build a condominium project on that and between 1988, 1993 I attended as many of the planning board sessions as I could on that and at each planning board session, they made it available that the people in the audience could speak and give input prior to the public hearing which was held in March, 1993. Our concern then and I saved all my clippings was that we were concerned about Forest Hill being one of the entrances and exits to Foxwood which never materialized. Following the '93 public hearing and in 1991, it was recommended by a member of the planning board that Forest Hill and Hudson not be considered entrances or exits because of the impact it would have on those two roads and at the time the company that was promoting Foxwood bought a parcel of land on Route 94 so that could be the entrance and exit to Foxwood. Forest Hill is a circle, we have no other way in and

out of the block except through our entrance on Forest Hill Road. It also has a limited sight distance making a left turn coming out of Forest Hill Road now so I can sit at the corner, I take a left, I work right near the Town at Temple Hill Academy, I can sit as much as four or five minutes just getting my one car to make a left turn coming out of Forest Hill onto Route 94. When I read if the paper in January that you were considering having Forest Hill the only entrance and exit, I really was very concerned that you were not going to be dividing 130 plus how many cars each of those residents have to that signal road which all of us on the circle would be behind when we tried to leave the area. I really feel that it's impacting one road 130 plus townhomes, we're not even talking about putting single family homes, and I was just wondering why today in 2004 you were not looking at considering other ways of getting in and out of the complex like that when over five years in the planning board you did otherwise.

MR. PETRO: We did look, we did and obviously their engineers looked the problem with Erie on the other side is crossing the entire wetlands to get there because that's absolutely virtually out of the question, I don't think it could be done to go out on the other side. To go into Hudson was the same problem again with crossing the wetlands and then having the people on Hudson going crazy having traffic coming out there and that just seemed like it would never work plus they couldn't get there because of the wetlands. We looked at Cherry Lane and I'm sure you know where Cherry Lane empties out by the old Club Restaurant, that's horrible there. We at least got that just to be a crash gate for emergency vehicles in and out. The last one, oh, no, the other one was onto 94 with the house that you mentioned and I brought that up at one of the meetings but unfortunately the house has been sold off that parcel and no longer available.

MS. GROVE: There's another one for sale in the same

general vicinity.

MR. PETRO: That's okay to mention that just so you can't really tell an applicant look, buy this house, we want you to tear it down, put a road through there. We can look at that again though and I never thought that was a bad idea, so that's something that we could visit one more time, but I think that's your only option to be honest with you.

MS. GROVE: Erie was listed in '93.

MR. PETRO: Some of the disturbance laws have changed since then, I think it's impossible.

MR. EDSALL: There's a significant difference between the wetlands regulations from back then to now, it would be almost impossible.

MR. PETRO: We went over that.

MS. GROVE: I just tried to think of all the complexes in New Windsor, I can't think of one that enters off of a road that has no other exit. I think of all the big complexes that are in New Windsor just for us where we have no other way out of the block it impacts 16 houses on the block.

MR. PETRO: I don't disagree with you, except keep in mind that Forest Hill Road is a Town road, same as any other Town road so because it's a small road that services how many houses do you have in there, 20?

MS. GROVE: About 16 but as you said, Hudson didn't want it because they didn't want the traffic but their road goes both ways.

MR. PETRO: We looked at Hudson but you had to cross the wetlands to get into Hudson and again that was another major problem and I don't, I just don't see

that happening there either to getting cross there, the disturbance on Forest Hill is a very small piece down in the corner, minor in nature compared to the other two, Erie, again forget it, but even the Hudson crossing was large.

MS. GROVE: Are they putting a traffic light in there? How are cars going to turn left coming out?

MR. PETRO: The traffic study's been done, as you heard tonight, we're going to review it further. I told, remember I said I wanted it blown up so we can see what it looks like, we made boulevard effect going into it so at least you had two lanes going in and out so we're trying to mitigate the problem as best we can. But it is a Town road and they have the right to access a Town road even though like you say it's a small Town road, you can't say well, this Town road is only for us. That's the problem there.

MS. GROVE: If there was another way to get in and out of the complex that would alleviate all the traffic going in and out of the road, I can see that that would make much more sense, but to impact one small road with figure every townhouse has two cars, you're talking about 260 additional cars to come out on one small road, does seem to be a big burden placed, not that we don't want to share with everyone in the area but seems we're the only one being asked to share 260 additional cars.

MR. PETRO: I don't disagree with you, I just don't know the right course of action, you know, again, he has the same ability and right to access the Town road as your driveway does. And I don't know where you draw the line who can have it and who can't. See, that's the problem, that's what we have to face all the time as a planning board.

MR. BABCOCK: There's also going to be a re-look of

Forest Hill and 94 and that's going to be done by DOT, DOT may say they need a red light there, I doubt that but--

MR. PETRO: You may see some improvement even with the cars, I'm not saying this positively, I don't know that but sometimes and I use Hannaford's a lot as a good case in point, whereas we spent a year and a half on Hannaford's where it was going to be a nightmare with all the cars, we never had a complaint since because all the mitigation they did, they spent \$800,000 figuring out how to do the cross-section and improve the intersection and it's worked. So I don't know that's the case down by you, but maybe with the two lanes, one turning left, one going straight, one to the right, one light possibly you may not find it as horrible as it sounds.

MS. GROVE: Does the planning board actually to go our location and try to exit our street to see what it is that I'm bringing out?

MR. PETRO: The planning board may not go but the highway department would go if it was on the Town road he will be down there for that and New York State DOT will be there.

MR. EDSALL: We have already been down, highway superintendent and I, the traffic study will give you an indication of the level of service and the delays when the project is constructed so that you should review and it will be, there will be a presentation at the public hearing.

MR. PETRO: Keep in mind--

MS. GROVE: Do they have to do a new environmental impact statement since '93?

MR. EDSALL: They're doing an environmental review here

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at the board but not an environmental impact statement, they've done an environmental study with attachments.

MS. GROVE: I will be back for the public hearing and I thank you and I hope that there might be some other possibility.

MR. PETRO: We'll keep an open mind but keep in mind we have to keep everybody happy on both sides, not just one side.

MS. GROVE: Thank you.

MR. PETRO: Motion to adjourn.

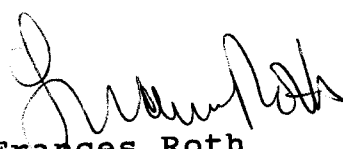
MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. PETRO	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

5/24/04